



Dated: August 2, 2017

The following is ORDERED:

A handwritten signature in black ink that reads "Janice D. Loyd".

Janice D. Loyd
U.S. Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF OKLAHOMA**

IN RE:

TONY LEE JOHNSON,

DEBTOR(S)

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**Case No. 13-10462-JDL
Chapter 13**

**ORDER GRANTING DEBTOR'S OBJECTION TO PROOF
OF CLAIM # 4 AND AS AMENDED BY NOTICE
OF MORTGAGE PAYMENT CHANGED FILED 05/03/2017**

Counsel for the Debtor represents that the Objection to Proof Claim #4 and as Amended by Notice of Mortgage Payment Change filed 05/03/2017, Notice of Opportunity for Hearing Combined with Notice of hearing date was filed on July 17, 2017 and served on all parties in interest pursuant to Local Bankruptcy Rule 9007, and the last date for filing objections was July 31, 2017 which has passed with no objection thereto being served and filed. Therefore, the motion should be granted and for this and other good cause being shown, it is hereby,

ORDERED, ADJUDGED AND DECREED, that the Objection to Proof Claim #4 and as Amended by Notice of Mortgage Payment Change filed 05/03/2017, Notice of Opportunity for Hearing Combined with Notice of hearing date will be and the same is hereby GRANTED, to-wit:

1. That Freedom Mortgage is required to pay and absorb the entire escrow shortage in Debtor's account as of June 17, 2017, in the amount of \$5,328.61.

2. That Freedom Mortgage is precluded from asserting that any escrow shortage exists as of June 17, 2017.

3. That Freedom Mortgage's failure to timely and properly calculate Debtor's escrow account was not substantially justified and was not harmless.

4. That Freedom Mortgage is ordered and directed to deem Debtor's escrow account balances and mortgage payments due as fully funded and current as of May 3, 2017.

5. That Debtor's monthly mortgage payment due to Freedom Mortgage is \$571.23 effective May 1, 2017.

6. That Freedom Mortgage is ordered and directed to pay Debtor's attorney fees and costs incurred as a result of the filing of the Objection to Claim in the amount of \$500.00, immediately and forthwith.

7. That Freedom Mortgage shall not access any attorney fees and/or costs associated with this matter to the Debtor or his mortgage.

All findings of fact are based upon representation of counsel for the Debtor.

IT IS SO ORDERED.

APPROVED FOR ENTRY:

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